United Nations S/AC.47/2010/11

Security Council

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 3 June 2010 from the Permanent Mission of Germany to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Germany to the United Nations presents its compliments to the Office of the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and has the honour to transmit a report on the implementation of the measures approved by resolutions 1556 (2004) and 1591 (2005) (see annex).

10-40911 (E) 240610

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Annex to the note verbale dated 3 June 2010 from the Permanent Mission of Germany to the United Nations addressed to the Chairman of the Committee

Report of Germany to the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan on the implementation of measures imposed by resolutions 1591 (2005) and 1556 (2004)

The Security Council, in paragraph 5 of resolution 1891 (2009) of 13 October 2009, encourages all States, in particular those in the region, to report to the Committee on the actions they have taken to implement the measures imposed by resolutions 1591 (2005) and 1556 (2004).

In accordance with resolution 1891 (2009), Germany wishes to transmit to the Committee the following information concerning the implementation of the restrictive measures set forth in paragraphs 3 (d), 3 (e) and 7 of resolution 1591 (2005), and paragraphs 7 and 8 of resolution 1556 (2004).

I. Measures adopted by the European Union

Germany and the other States members of the European Union have jointly implemented the restrictive measures imposed by resolutions 1591 (2005) and 1556 (2004) by taking common measures (all common measures are published in the *Official Journal of the European Union*, which can be consulted through the following web pages: www.eur-lex.europa.eu/JOIndex.do (published issues) and www.eur-lex.europa.eu/RECH_menu.do (search form)):

1. Council Common Position 2005/411/CFSP of 30 May 2005 (repealing Council Common Position 2004/31/CFSP concerning the imposition of an embargo on arms, munitions and military equipment on the Sudan), providing for:

- Measures restricting the entry into or transit through the territory of States members of the European Union
- Measures for the freezing of funds, other financial assets and economic resources
- An embargo on arms and related material intended for the Sudan as well as on related technical assistance and financing

Council Common Position 2005/411/CFSP was amended by Council Decision 2006/386/CFSP of 1 June 2006 to include the individuals designated by the Sanctions Committee (Security Council resolution 1672 (2006)).

2. The provisions of the Common Position concerning the embargoes on certain technical and financial assistance and the freezing of funds and economic resources fall within the competence of the European Union. The Council of the European Union therefore adopted Council Regulation (EC) No. 838/2005 of 30 May 2005 (amending Council Regulation (EC) No. 131/2004 implementing Common Position 2004/31/CFSP) and Council Regulation (EC) No. 1184/2005 of 18 July 2005, as amended by Commission Regulation (EC) No. 760/2006 and Commission Regulation (EC) No. 970/2007 (amendments of the list of targeted persons following amendments by the Sanctions Committee).

Community regulations are directly and legally applicable in the European Union member States as soon as they have been published in the *Official Journal of the European Union*. Funds and economic resources are frozen directly and immediately by the Council Regulations. No further national implementation is necessary in this respect.

II. National implementing measures

With regard to the arms embargo, Germany has implemented the restrictive measures imposed by resolution 1591 (2005) and European Union Common Position 2005/411/CFSP through section 69k of the Foreign Trade and Payments Regulation. Criminal penalties for any infringements of the arms embargo are set out in section 70a, paragraph 2, of the Foreign Trade and Payments Regulation and section 34, paragraph 4, No. 1, of the Foreign Trade and Payments Act.

For the violation of the directly applicable prohibition of certain services related to the arms embargo established in Council Regulation (EC) No. 131/2004, section 34, paragraph 4, No. 2, of the Foreign Trade and Payments Act imposes criminal penalties on the national level.

Criminal penalties for the violation of the directly applicable provisions of Council Regulation (EC) No. 1184/2005 on the asset freeze and on the prohibition of making available funds or economic resources are imposed on the national level pursuant to section 34, paragraph 4, No. 2, of the Foreign Trade and Payments Act.

The penalty imposed by section 34, paragraph 4, of the Foreign Trade and Payments Act for violation of the arms embargo or the directly applicable prohibitions established by Council Regulations (EC) No. 131/2004 and (EC) No. 1184/2005 is a term of imprisonment of up to five years. Any attempt of violation will be punished in the same way. Violations due to negligence are sanctioned with imprisonment of up to three years or fines (section 34, paragraph 7, of the Foreign Trade and Payments Act).

Sudanese nationals travelling to Germany require a visa when entering the European Union. Travel restrictions imposed by resolution 1591 (2005) and European Union Common Position 2005/411/CFSP are being implemented through the visa application process.

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23 June 2010

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 22 June 2010 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and has the honour to transmit the report by Austria pursuant to paragraph 5 of Security Council resolution 1891 (2009) concerning the Sudan (see annex).

10-43750 (E) 080710

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Annex to the note verbale dated 22 June 2010 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

In accordance with Security Council resolution 1891 (2009), Austria wishes to transmit the following information concerning the implementation of the restrictive measures set forth in paragraphs 3 (d), 3 (e) and 7 of resolution 1591 (2005) and paragraphs 7 and 8 of resolution 1556 (2004).

1. Austria and the other Member States of the European Union (EU) jointly implemented the restrictive measures against the Sudan imposed by United Nations Security Council resolution 1591 (2005) of 29 March 2005 by taking the following common measures:

(a) Council Common Position 2005/411/CFSP of 2 June 2005;

(b) Council Regulation (EC) No. 631/2007 of 8 June 2007 *amended by*:

(c) Council Decision 2006/386/CFSP of 2 June 2006;

(d) Council Regulation (EC) No. 1184/2005 of 23 July 2005 *amended by*:

(e) Commission Regulation (EC) No. 760/2006 of 19 May 2006;

(f) Commission Regulation (EC) No. 970/2007 of 18 August 2007 and corrigendum of 31 August 2007.

2. In addition, the competent Austrian authorities apply the following Austrian legislation in implementing the restrictive measures against the Sudan imposed by United Nations Security Council resolution 1591 (2005):

(a) With regard to the obligations contained in paragraph 3 (a) (i) of Security Council resolution 1591 (2005) referring to paragraphs 7 and 8 of Security Council resolution 1556 (2004) the War Materials Act (WMA, Federal Law Gazette I No. 57/2001 as amended), the Foreign Trade Act (FTA, Federal Law Gazette I No. 50/2005 as amended) and Foreign Trade Regulation (FTAR, Federal Law Gazette II No. 121/2006) require an export authorization for the sale, supply, transfer or export of arms and related materiel to third countries and an authorization for the provision of brokering services related to military activities. According to relevant provisions of these instruments, no authorization may be granted to export war materials, etc. to countries under a United Nations or an EU arms embargo. Non-compliance with the War Materials Act or the Foreign Trade Act constitutes a criminal offence punishable with up to five years of imprisonment or payment of a fine of up to 360 daily rates;

(b) In addition, the Austrian Penal Code (Federal Law Gazette I No. 60/1974 as amended) stipulates that the illegal military assistance or support to a party to an armed conflict to which the Republic of Austria is not a party, including the supply of war material in violation of the existing legislation, is punishable by up to five years of imprisonment;

(c) With regard to the obligation contained in paragraph 3 (d) of Security Council resolution 1591 (2005) relating to entry into or transit through the territories of all States of all persons as designated by the Committee pursuant to

subparagraph (c) of Security Council resolution 1591 (2005), the Austrian Aliens Police Law (Federal Law Gazette I No. 157/2005 as amended) and the Law on Residence (Federal Law Gazette I No. 100/2005 as amended) empower the competent Austrian authorities to impose the appropriate travel or entry restrictions. The necessary instructions are issued whenever such persons have been designated by the Sanctions Committee or by the Security Council;

(d) With regard to the obligation contained in paragraph 3 (e) of Security Council resolution 1591 (2005) relating to the freezing of funds, other financial assets and economic resources the Austrian Exchange Control Act (Federal Law Gazette I No. 123/2003) stipulates that non-compliance with regulations of the European Community or relevant Austrian Federal Government regulations concerning the freezing of funds is a criminal offence punishable with up to one year of imprisonment.